

**61.872 Right of Kentucky residents to inspect public records -- Written application -- Limitation.**

- (1) All public records shall be open for inspection by any resident of the Commonwealth, except as otherwise provided by KRS 61.870 to 61.884, and suitable facilities shall be made available by each public agency for the exercise of this right. No resident of the Commonwealth shall remove original copies of public records from the offices of any public agency without the written permission of the official custodian of the record.
- (2)
  - (a) Any resident of the Commonwealth shall have the right to inspect public records. The official custodian may require a written application, signed by the applicant and with his or her name printed legibly on the application, describing the records to be inspected. The official custodian may require the applicant to provide a statement in the written application of the manner in which the applicant is a resident of the Commonwealth under KRS 61.870(10)(a) to (f).
  - (b) The written application shall be:
    1. Hand delivered;
    2. Mailed;
    3. Sent via facsimile; or
    4. Sent via e-mail to the public agency's official custodian of public records or his or her designee at the e-mail address designated in the public agency's rules and regulations adopted pursuant to KRS 61.876.
  - (c) A public agency shall not require the use of any particular form for the submission of an open records request, but shall accept for any request the standardized form developed under KRS 61.876(4).
- (3) A resident of the Commonwealth may inspect the public records:
  - (a) During the regular office hours of the public agency; or
  - (b) By receiving copies of the public records from the public agency through the mail. The public agency shall mail copies of the public records to a person whose residence or principal place of business is outside the county in which the public records are located after he or she precisely describes the public records which are readily available within the public agency. If the resident of the Commonwealth requesting the public records requests that copies of the records be mailed, the official custodian shall mail the copies upon receipt of all fees and the cost of mailing.
- (4) If the person to whom the application is directed does not have custody or control of the public record requested, that person shall notify the applicant and shall furnish the name and location of the official custodian of the agency's public records.
- (5) If the public record is in active use, in storage or not otherwise available, the official custodian shall immediately notify the applicant and shall designate a place, time, and date for inspection of the public records, not to exceed five (5) days from receipt of the application, unless a detailed explanation of the cause is given for

further delay and the place, time, and earliest date on which the public record will be available for inspection.

- (6) If the application places an unreasonable burden in producing public records or if the custodian has reason to believe that repeated requests are intended to disrupt other essential functions of the public agency, the official custodian may refuse to permit inspection of the public records or mail copies thereof. However, refusal under this section shall be sustained by clear and convincing evidence.

**Effective:** June 29, 2021

**History:** Amended 2021 Ky. Acts ch. 160, sec. 2, effective June 29, 2021. -- Amended 2019 Ky. Acts ch. 64, sec. 1, effective June 27, 2019. -- Amended 1994 Ky. Acts ch. 262, sec. 3, effective July 15, 1994. -- Amended 1992 Ky. Acts ch. 163, sec. 3, effective July 14, 1992. -- Created 1976 Ky. Acts ch. 273, sec. 2.

**Legislative Research Commission Note** (6/29/2021). Under the authority of KRS 7.136(1), the Reviser of Statutes has altered the format of the text in subsection (2) of this statute during codification. The words in the text were not changed.